IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1184 OF 2006

Mr. Ashwin Kumar S/o. Wadilal
Hargovandas Shah & Anr. .. Petitioners.

vs.

State of Maharashtra
& Anr. .. Respondents.

Shri Ashok M. Saraogi for Petitioners.
Mrs. A.S. Pai, APP., for State.

CORAM : J.N. PATEL, AND
SMT. ROSHAN DALVI, JJ.
DATE : 17th August, 2006.

P.C.

. Heard the learned counsel for the petitioner.

2. From the pleadings in the petition we find that the petitioner is seeking quashing of Criminal Case No. 4669 of 2006 which has been filed by respondent no. 2 under Sections 406, 418, 420 read with 34 of IPC in the Court of Metropolitan Magistrate, at George Town, Saidapet, Chennai. Having gone through the pleadings and the documents

annexed to the petition and after taking into consideration the decision rendered by the Supreme Court in the case of Navinchandra N. Majithia v. State of Maharashtra, AIR 2000 SC 2966 with all humility at our command we are of the view that it will be appropriate on the part of the petitioner to approach the Court at Chennai and seek appropriate relief as we are not inclined to entertain this petition as no cause of action has arose within the jurisdiction of this Court. The learned counsel for the petitioner submits that he may be permitted to withdraw the petition with liberty to approach the Court at Madras but in the meantime the petitioners be granted protection against arrest. In so far as the case is concerned, the petitioner has only received summons and, therefore, it can very well appear before the Court of Metropolitan Magistrate and apply for bail. The learned counsel for the petitioner submits that the date of appearance in the summons was 8.8.206 which has already expired. If that is so, nothing prevents the petitioner from seeking pre-arrest bail from the Court of Sessions at Mumbai on this ground and then appear before the Court of Metropolitan Magistrate. With this direction the petition is permitted to be withdrawn and is dismissed as withdrawn.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)